

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:19-cv-01422-JPS**

Carter et al v. City of Wauwatosa et al
Assigned to: Judge J P Stadtmueller
Case in other court: Milwaukee County Circuit Court,
2019CV006180
Cause: 42:1983 Civil Rights Act

Date Filed: 09/30/2019
Date Terminated: 05/04/2023
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Akil K Carter

represented by **Joy M Bertrand**
Joy Bertrand Esq
PO Box 2734
Scottsdale, AZ 85252-2734
602-374-5321
Fax: 480-361-4694
Email: joy@joybertrandlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Paulette H Barr

represented by **Joy M Bertrand**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Sandra K Adams

represented by **Joy M Bertrand**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

City of Wauwatosa
TERMINATED: 05/04/2023

represented by **Ann C Wirth**
Wirth & Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979
Email: acw@wbattys.com
ATTORNEY TO BE NOTICED

Gregg J Gunta
Wirth + Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979
Fax: 414-291-7960
Email: gjg@guntalaw.com
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
Wirth + Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979

Fax: 414-291-7960
Email: jmb@wbattys.com
ATTORNEY TO BE NOTICED

John A Wolfgang
Wirth + Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979
Fax: 414-291-7960
Email: jaw@guntalaw.com
TERMINATED: 02/05/2021

Joseph M Wirth
Wirth & Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979
Email: jmw@wbattys.com
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
Crivello Carlson SC
710 N Plankinton Ave – Ste 500
Ste 500
Milwaukee, WI 53203
414-290-7508
Fax: 414-271-4438
Email: kzellner@crivellocarlson.com
TERMINATED: 03/02/2023

Kyle R Moore
Wirth & Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414-291-7979
Fax: 414-291-7960
Email: krm@wbattys.com
ATTORNEY TO BE NOTICED

Defendant

James MacGillis
TERMINATED: 05/04/2023

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Gregg J Gunta
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

John A Wolfgang
(See above for address)
TERMINATED: 02/05/2021

Joseph M Wirth
(See above for address)
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
(See above for address)
TERMINATED: 03/02/2023

Kyle R Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Patrick Kaine

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Gregg J Gunta
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

John A Wolfgang
(See above for address)
TERMINATED: 02/05/2021

Joseph M Wirth
(See above for address)
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
(See above for address)
TERMINATED: 03/02/2023

Kyle R Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Luke Vetter

TERMINATED: 05/04/2023

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Gregg J Gunta
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

John A Wolfgang
(See above for address)
TERMINATED: 02/05/2021

Joseph M Wirth
(See above for address)
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
(See above for address)
TERMINATED: 03/02/2023

Kyle R Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Nicole Gabriel

TERMINATED: 05/04/2023

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Gregg J Gunta
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

John A Wolfgang
(See above for address)
TERMINATED: 02/05/2021

Joseph M Wirth
(See above for address)
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
(See above for address)
TERMINATED: 03/02/2023

Kyle R Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Derek Dienhart

TERMINATED: 05/04/2023

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Gregg J Gunta
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

John A Wolfgang
(See above for address)
TERMINATED: 02/05/2021

Joseph M Wirth
(See above for address)
ATTORNEY TO BE NOTICED

Kiley Beth Zellner
(See above for address)
TERMINATED: 03/02/2023

Kyle R Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Does 1-3

TERMINATED: 08/10/2022

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
Wirth & Baynard
9898 W Bluemound Rd – Ste 2
Wauwatosa, WI 53226
414–291–7979
Fax: 414–291–7960
Email: jmb@wbattys.com
ATTORNEY TO BE NOTICED

Defendant

Jane Does 1–3

TERMINATED: 08/10/2022

represented by **Ann C Wirth**
(See above for address)
ATTORNEY TO BE NOTICED

Jasmyne M Baynard
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/2019	<u>1</u>	NOTICE OF REMOVAL by Patrick Kaine, Luke Vetter, Derek Dienhart, Nicole Gabriel, City of Wauwatosa, Barry Weber from Milwaukee County Circuit Court, Case Number: 2019cv006180 with attached state court documents. (Filing Fee PAID \$400 receipt number AWIEDC–3233255) (Attachments: # <u>1</u> Summons, # <u>2</u> Complaint, # <u>3</u> Civil Cover Sheet)(Wolfgang, John)
09/30/2019	<u>2</u>	NOTICE of Appearance by John A Wolfgang on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: John A. Wolfgang, Gregg J. Gunta, Ann C. Wirth and Jasmyne M. Baynard (Wolfgang, John)
09/30/2019	<u>3</u>	DISCLOSURE Statement by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Wolfgang, John)
09/30/2019	<u>4</u>	ANSWER to Complaint <i>With Affirmative Defenses</i> by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber.(Wolfgang, John)
09/30/2019		NOTICE Regarding assignment of this matter to Judge J P Stadtmueller ;Consent/refusal forms for Magistrate Judge Joseph to be filed within 21 days;the consent/refusal form is available on our website (jcl)
09/30/2019	<u>5</u>	NOTICE of Appearance by Ann C Wirth on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: Ann C. Wirth, Gregg J. Gunta, John A. Wolfgang and Jasmyne M. Baynard (Wirth, Ann)
09/30/2019	<u>6</u>	NOTICE of Appearance by Gregg J Gunta on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: Gregg J. Gunta, John A. Wolfgang, Ann C. Wirth and Jasmyne M. Baynard (Gunta, Gregg)
09/30/2019	<u>7</u>	NOTICE of Appearance by Jasmyne M Baynard on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: Jasmyne M. Baynard, Gregg J. Gunta, John A. Wolfgang and Ann C. Wirth (Baynard, Jasmyne)
09/30/2019	<u>8</u>	Magistrate Judge Jurisdiction Form filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (NOTICE: Pursuant to Fed.R.Civ.P. 73 this document is not viewable by the judge.) (Gunta, Gregg)
10/01/2019	<u>9</u>	NOTICE of Hearing: Scheduling Conference set for 10/25/2019 at 9:00 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J P Stadtmueller. Joint Rule 26 Plan due by 10/22/2019. (cc: all counsel)(jm)
10/22/2019	<u>10</u>	REPORT of Rule 26(f) Plan by Sandra K Adams, Paulette H Barr, Akil K Carter. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy)

10/25/2019	<u>11</u>	Minute Entry for proceedings held before Judge J. P. Stadtmueller: Scheduling Conference held on 10/25/2019. (Court Reporter Susan Armbruster) (nb)
10/25/2019	<u>12</u>	TRIAL SCHEDULING ORDER signed by Judge J.P. Stadtmueller on 10/25/2019. Interim Settlement Report due by 5/25/2020; Dispositive Motions due by 6/1/2020; Final Settlement Report due by 8/24/2020; Motions in Limine and Daubert Motions due by 8/28/2020; Final/Joint Pretrial Report due by 2:00 PM on 9/2/2020. Final Pretrial Conference set for 9/8/2020 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. Jury Trial set for 9/14/2020 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. See Order. (cc: all counsel)(nb)
11/25/2019	<u>13</u>	CERTIFICATE of Service as to Initial Disclosures by Sandra K Adams, Paulette H Barr, Akil K Carter. (Bertrand, Joy) Modified on 11/26/2019 (asc).
03/31/2020	<u>14</u>	NOTICE by All Plaintiffs of <i>Service of Discovery Propounded on Defendants</i> (Bertrand, Joy)
04/15/2020	<u>15</u>	NOTICE by All Plaintiffs of <i>Service of Discovery Propounded on Defendants</i> (Bertrand, Joy)
04/28/2020	<u>16</u>	Joint MOTION for Extension of Time to <i>File Dispositive Motions and Pretrial Submissions</i> , MOTION to Continue <i>Jury Trial</i> by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy)
05/01/2020	<u>17</u>	ORDER signed by Judge J P Stadtmueller on 5/1/2020. <u>16</u> Parties' Joint Motion for Extension of Time is GRANTED. Specified deadlines of <u>12</u> Trial Scheduling Order are AMENDED as follows: Interim Settlement Report now due by 9/22/2020; Dispositive Motions now due by 9/29/2020; Final Settlement Report now due by 12/21/2020; and Motions in Limine and Daubert Motions now due by 12/26/2020. Following dates of <u>12</u> Trial Scheduling Order are VACATED pending further order of the Court: final joint pretrial report deadline, final pretrial conference, and jury trial. See Order. (cc: all counsel)(jm)
07/30/2020	<u>18</u>	STIPULATION to <i>Protective Order</i> by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy)
08/28/2020	<u>19</u>	STIPULATION (<i>Joint</i>) to <i>Extend Scheduling Order</i> by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Wolfgang, John)
09/24/2020	<u>20</u>	ORDER signed by Judge J P Stadtmueller on 9/24/2020. <u>19</u> Parties' Stipulation to Extend Deadlines is ADOPTED in part. Deadlines of <u>17</u> Court's Order are AMENDED as follows: Interim Settlement Report now due by 11/16/2020; Dispositive Motions now due by 12/1/2020; Final Settlement Report now due by 2/22/2021. Deadlines of <u>17</u> Court's Order for motions in limine and Daubert motions are VACATED. See Order. (cc: all counsel)(jm)
11/03/2020	<u>21</u>	JOINT STIPULATION to <i>Extend Scheduling Order</i> by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Wolfgang, John)
11/24/2020	<u>22</u>	ORDER signed by Judge J P Stadtmueller on 11/24/2020. <u>21</u> Parties' Stipulation to Extend Deadlines is ADOPTED in part. Deadlines of <u>20</u> Court's Order are AMENDED as follows: Interim Settlement Report now due by 2/16/2021; Dispositive Motions now due by 3/31/2021; and Final Settlement Report now due by 5/21/2021. See Order. (cc: all counsel)(jm)
02/02/2021	<u>23</u>	NOTICE by Sandra K Adams, Paulette H Barr, Akil K Carter of <i>Service of Discovery -- Deposition Notices</i> (Bertrand, Joy)
02/05/2021	<u>24</u>	NOTICE by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber of <i>Withdrawal of Counsel</i> (Wirth, Ann)
02/26/2021	<u>25</u>	Parties' Interim Settlement Report . (Bertrand, Joy) Modified on 3/1/2021 (bx).
03/09/2021	<u>26</u>	NOTICE of Appearance by Kyle R Moore on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: Kyle R. Moore, Ann C. Wirth, Gregg J. Gunta, Jasmyne M. Baynard (Moore, Kyle)

03/23/2021	<u>27</u>	NOTICE by Sandra K Adams, Paulette H Barr, Akil K Carter <i>of Service of Discovery -- Fourth Supplemental Disclosure Statement</i> (Bertrand, Joy)
03/31/2021	28	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . MOTION for Summary Judgment by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	29	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . BRIEF in Support filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re 28 MOTION for Summary Judgment . (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	30	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . Proposed Findings of Fact by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	31	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Carl Anderson (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	32	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Luke G. Vetter (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	33	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Patrick J. Kaine (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	34	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Barry Weber (Attachments: # 1 Weber Declaration Exhibit A — Probationary Officer Training Task #47, # 2 Weber Declaration Exhibit B — Policy No. P 17 - 12, # 3 Weber Declaration Exhibit C — Policy No. P16 - 12, # 4 Weber Declaration Exhibit D — P241 Kaine Back Seat — Submitted to Court on flashdrive, # 5 Weber Declaration Exhibit E — P241 Kaine Front — Submitted to Court on flashdrive)(Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	35	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Derek Dienhart (Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	36	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Jasmyne M. Baynard (Attachments: # 1 Baynard Declaration Exhibit A — Deposition Transcript of Patrick Kaine taken on 02/23/2021, # 2 Baynard Declaration Exhibit B — Dispatch Recording from 09/02/2018, # 3 Baynard Declaration Exhibit C — Call Detail Report from 09/02/2018, # 4 Baynard Declaration Exhibit D — Deposition Transcript of Luke Vetter taken on 02/23/2021, # 5 Baynard Declaration Exhibit E — Deposition Transcript of Nicole Gabriel taken on 02/24/2021, # 6 Baynard Declaration Exhibit F — Deposition Transcript of Barry Weber taken on 02/25/2021, # 7 Baynard Declaration Exhibit G — Deposition Transcript of Luke Vetter taken on 09/21/2020)(Baynard, Jasmyne) Modified on 10/13/2021 (bx).
03/31/2021	<u>37</u>	MOTION for Partial Summary Judgment and REQUEST for oral argument by Sandra K Adams, Paulette H Barr, Akil K Carter. (Bertrand, Joy) Modified on 4/2/2021 (rcm).
03/31/2021	<u>38</u>	STATEMENT OF FACT by Sandra K Adams, Paulette H Barr, Akil K Carter . (Bertrand, Joy)
04/02/2021	39	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DOCUMENT/FLASH DRIVE RECEIVED from City of Wauwatosa, Derek Dienhart, Nicole Gabriel — located in Clerk's Office. (bx) Modified on 10/13/2021 (bx). (Entered: 04/05/2021)
04/14/2021	<u>40</u>	MOTION for Extension of Time <i>to File Response to the Defendants' Summary Judgment Motion</i> by Sandra K Adams, Paulette H Barr, Akil K Carter. (Attachments: # <u>1</u> Declaration of Joy Bertrand, # <u>2</u> Text of Proposed Order)(Bertrand, Joy)
04/15/2021		TEXT ONLY ORDER signed by Judge J P Stadtmueller on 4/15/2021. Upon consideration of Plaintiffs' motion for an extension to file a response to the Defendants' summary judgment <u>40</u> , IT IS ORDERED THAT the motion is GRANTED. Plaintiffs' summary judgment response is now due May 31, 2021.(cc: all counsel)(TG)
04/20/2021	<u>41</u>	Emergency MOTION to Seal Record (<i>Dkts.</i> 28–36) by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Wirth, Ann)

05/07/2021	<u>42</u>	MOTION to Restrict Document by All Defendants. (Wirth, Ann) Modified on 10/13/2021 (bx).
05/07/2021	43	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . PROPOSED Findings of Fact In Support BRIEF in Opposition filed by All Defendants re <u>37</u> MOTION for Partial Summary Judgment . This document and/or certain attachments are restricted to case participants and attorneys of record should use their e-filing login and password to view this document (Wirth, Ann) Modified on 5/10/2021 (bx). Modified on 10/13/2021 (bx).
05/07/2021	44	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . RESPONSE to Motion filed by All Defendants re <u>37</u> MOTION for Partial Summary Judgment <i>Response to Plaintiffs' Statement of Fact</i> . This document and/or certain attachments are restricted to case participants and attorneys of record should use their e-filing login and password to view this document (Wirth, Ann) Modified on 10/13/2021 (bx).
05/07/2021	45	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . PROPOSED Findings of Fact In Support RESPONSE to Motion filed by All Defendants re <u>37</u> MOTION for Partial Summary Judgment This document and/or certain attachments are restricted to case participants and attorneys of record should use their e-filing login and password to view this document (Wirth, Ann) Modified on 5/10/2021 (bx). Modified on 10/13/2021 (bx).
05/07/2021	46	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . DECLARATION of Ann Wirth RESPONSE to Motion filed by All Defendants re <u>37</u> MOTION for Partial Summary Judgment <i>Declaration of Ann C. Wirth</i> . (Attachments: # <u>1</u> Wirth Declaration Exhibit 1, # <u>2</u> Wirth Declaration Exhibit 2) This document and/or certain attachments are restricted to case participants and attorneys of record should use their e-filing login and password to view this document (Wirth, Ann) Modified on 5/10/2021 (bx). Modified on 10/13/2021 (bx).
05/10/2021		NOTICE of Electronic Filing Error re 46 Response to Motion, 45 Response to Motion, 43 Brief in Opposition to Motion, filed by John Does 1–3, Barry Weber, Jane Does 1–3, City of Wauwatosa, Nicole Gabriel, Derek Dienhart, Patrick Kaine, Luke Vetter ; All attachments to documents should include a brief description of the attachment – Ex A – Initial Contract, Ex B – Doe Deposition, Ex C – 2006 Sales Figures, etc. This document does not need to be refiled. The incorrect events were chosen for these three filings. When e–filing please choose the event that closely matches the document, for example if the document is a Declaration, the filer should have selected the Declaration event; These documents do not need to be re–filed. In the future, please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (bx)
05/19/2021	<u>47</u>	Second MOTION for Extension of Time by Sandra K Adams, Paulette H Barr, Akil K Carter. (Attachments: # <u>1</u> May 13, 2021 Primary Care Physician Off Work Order, # <u>2</u> April 29, 2021 Primary Care Physician Off Work Order, # <u>3</u> April 24, 2021 Emergency Room Off Work Order, # <u>4</u> Text of Proposed Order)(Bertrand, Joy)
05/24/2021		TEXT ONLY ORDER signed by Judge J P Stadtmueller on 5/24/2021. Upon consideration of Plaintiffs' motion for extension of time <u>47</u> , IT IS ORDERED that the motion is GRANTED and Plaintiffs' deadline to file a response to Defendant's motion for summary judgment and Plaintiffs' reply brief is extended to June 30, 2021. (cc: all counsel)(TG)
06/18/2021	<u>48</u>	Unopposed MOTION for Extension of Time by All Plaintiffs. (Attachments: # <u>1</u> June 9, 2021 Off Work Order, # <u>2</u> May 13, 2021 Off Work Order, # <u>3</u> Text of Proposed Order)(Bertrand, Joy)
06/22/2021		TEXT ONLY ORDER by Judge J.P. Stadtmueller on 6/22/2021. Upon consideration of Plaintiff's unopposed motion to extend time to file an opposition to Defendant's motion for summary judgment, (Docket #48), the motion is hereby GRANTED. Plaintiff shall receive a forty–five (45) day extension in which to file the opposition, which must be filed no later than August 16, 2021. Fed. R. Civ. P. 6(a)(1)(C). (cc: all counsel)(cl)
08/10/2021	<u>49</u>	MOTION for Extension of Time by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> July 1, 2021 off work order, # <u>3</u> June 9, 2021 off work order)(Bertrand, Joy)

08/12/2021	<u>50</u>	RESPONSE to Motion filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re <u>49</u> MOTION for Extension of Time . (Baynard, Jasmyne)
08/12/2021	<u>51</u>	REPLY BRIEF in Support filed by All Plaintiffs re <u>49</u> MOTION for Extension of Time . (Bertrand, Joy)
08/13/2021	<u>52</u>	MOTION to Seal Document by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy)
08/13/2021	<u>53</u>	SUPPLEMENT by All Plaintiffs . (Attachments: # <u>1</u> Letter from Plaintiffs' Counsel's Medical Providers) This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)
08/16/2021	<u>54</u>	ORDER signed by Judge J P Stadtmueller on 8/16/2021 GRANTING: <u>49</u> Plaintiffs' Fourth Motion for Extension of Time and <u>52</u> Plaintiffs' Motion to Seal. By 8/27/2021, parties to meet and confer re an agreed upon statement of facts. By 9/15/2021, Plaintiffs to FILE response to 28 Defendants' Motion for Summary Judgment and reply in support of <u>37</u> Plaintiffs' Motion for Summary Judgment. See Order. (cc: all counsel)(jm)
08/27/2021	<u>55</u>	WITHDRAWN; Pursuant to DKT. <u>65</u> – <u>66</u> . RESPONSE to Motion filed by All Defendants re <u>37</u> MOTION for Partial Summary Judgment . This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Wirth, Ann) Modified on 10/13/2021 (bx).
08/27/2021	<u>56</u>	LETTER from Ann C. Wirth . (Wirth, Ann)
09/15/2021	<u>57</u>	MOTION for Extension of Time by All Plaintiffs. (Attachments: # <u>1</u> Proof of OnStar Service Request, # <u>2</u> Text of Proposed Order)(Bertrand, Joy)
09/17/2021		TEXT ONLY ORDER by Judge J P Stadtmueller on 9/17/2021. Upon consideration of <u>57</u> Plaintiffs' Motion for Extension of Time to file a response, the Court GRANTS the motion. Plaintiffs have until 9/17/2021 to file response. (cc: all counsel) (cl)
09/18/2021	<u>58</u>	RESPONSE filed by All Plaintiffs re 30 Proposed Findings of Fact (Attachments: # <u>1</u> Exhibit 1 — Defendants' Response to Plaintiffs' First Set of Document Demands, # <u>2</u> Exhibit 2 — Carl Anderson Deposition Transcript (Filed Under Seal))(Bertrand, Joy)
09/18/2021	<u>59</u>	DECLARATION of Joy Bertrand (Attachments: # <u>1</u> Exhibit 3 — Derek Dienhart Deposition Transcript, # <u>2</u> Exhibit 4 — May 4, 2021 John Doe Hearing Transcript, # <u>3</u> Exhibit 5 — Brian Landers' September 14, 2021 Report, # <u>4</u> Exhibit 6 — February 25, 2021 John Doe Hearing Transcript)(Bertrand, Joy)
09/19/2021	<u>60</u>	RESPONSE to Motion filed by All Plaintiffs re 28 MOTION for Summary Judgment . (Bertrand, Joy)
09/19/2021	<u>61</u>	MOTION to Seal Transcript of Carl Anderson's Deposition by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy) Modified on 9/20/2021 (bx).
09/19/2021	<u>62</u>	ORIGINAL DOCUMENT – <i>Transcript of Carl Anderson Deposition</i> This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy) Modified on 9/20/2021 (bx).
09/19/2021	<u>63</u>	MOTION to Seal the Motion to Extend Time to File Plaintiff's Response to the Defendants' Motion for Summary Judgement by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy) Modified on 9/20/2021 (bx).
09/19/2021	<u>64</u>	MOTION for Extension of Time to <i>File Response to the Defendants' Summary Judgment Motion to September 19, 2021 (Response Filed Instanter)</i> by All Plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order) This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)

09/28/2021	<u>65</u>	ORDER signed by Judge J P Stadtmueller on 9/28/2021. 28 Motion for Summary Judgment is DENIED without prejudice ; <u>37</u> Motion for Partial Summary Judgment is DENIED without prejudice. IT IS FURTHER ORDERED that the motions to seal or restrict documents related to the litigation (Dkt # <u>41</u> , # <u>42</u> , # <u>61</u>) are DENIED without prejudice. IT IS FURTHER ORDERED that the parties may file a letter indicating which documents they wish to retract no later than Tuesday, October 12, 2021 . IT IS FURTHER ORDERED that if no letter is filed by Tuesday, October 12, 2021 , the Clerk of Court is ordered to UNSEAL all documents contemplated in (Docket #41, #42, #61). IT IS FURTHER ORDERED that Plaintiffs counsels <u>63</u> motion to restrict is GRANTED; and IT IS FURTHER ORDERED that Plaintiffs counsels <u>64</u> motion for another extension of time is DENIED as moot. See Order. (cc: all counsel)(bx)
10/12/2021	<u>66</u>	LETTER from Ann C. Wirth . (Wirth, Ann)
10/19/2021	<u>67</u>	NOTICE of Appearance by Kiley Beth Zellner on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. Attorney(s) appearing: Kiley B. Zellner (Zellner, Kiley)
11/09/2021	<u>68</u>	LETTER from Kiley B. Zellner <i>Regarding Case Status</i> . (Zellner, Kiley)
11/10/2021		NOTICE of Hearing: Status Conference set for 11/18/2021 at 9:30 AM by telephone before Judge J.P. Stadtmueller. The court will initiate the call. No later than 12:00 PM the day prior to the hearing, counsel shall notify chambers at 414-297-1102 of the direct telephone number at which they may be reached. (cc: all counsel) (cl)
11/17/2021	<u>69</u>	RESPONSE filed by All Plaintiffs re <u>68</u> Letter (Bertrand, Joy)
11/18/2021	<u>70</u>	Minute Entry for proceedings held before Judge J.P. Stadtmueller: Scheduling Conference held on 11/18/2021. (Court Reporter John Schindhelm) (cl)
01/03/2022	<u>71</u>	NOTICE by All Plaintiffs <i>of Service of Offer of Judgment</i> (Bertrand, Joy)
01/06/2022	<u>72</u>	ORDER signed by Judge J P Stadtmueller on 1/6/2022 regarding the Courts COVID-19 safety protocols. All persons physically present before Judge J.P. Stadtmueller must be fully vaccinated against the COVID-19 virus and provide proof as such. See Order for details. (cc: all counsel)(cl)
01/06/2022	<u>73</u>	ORDER signed by Judge J.P. Stadtmueller on 1/6/2022. The parties are to submit a joint letter addressing whether they are able to comply with <u>72</u> the Court's COVID-19 order. See Order for details. (cc: all counsel) (cl)
01/21/2022	<u>74</u>	MOTION for Sanctions and Dismissal by City of Wauwatosa, Derek Dienhart, Nicole Gabriel. (Zellner, Kiley). Added MOTION to Dismiss on 1/24/2022 (rcm).
01/21/2022	<u>75</u>	BRIEF in Support filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re <u>74</u> MOTION for Sanctions . (Zellner, Kiley)
01/21/2022	<u>76</u>	DECLARATION of Jasmyne M. Baynard <i>In Support of Motion for Sanctions and Dismissal</i> (Attachments: # <u>1</u> Exhibit A – Email)(Zellner, Kiley)
01/21/2022	<u>77</u>	DECLARATION of Kiley B. Zellner <i>In Support of Motion for Sanctions and Dismissal</i> (Attachments: # <u>1</u> Exhibit A – Emails, # <u>2</u> Exhibit B – Undisputed Facts, # <u>3</u> Exhibit C – Emails, # <u>4</u> Exhibit D – Stipulated Facts, # <u>5</u> Exhibit E – Email of January 10 2022, # <u>6</u> Exhibit F – Letter to Bertrand, # <u>7</u> Exhibit G – Letter from Bertrand, # <u>8</u> Exhibit H – Reply Letter to Bertrand, # <u>9</u> Exhibit I – Rule 26(a) Initial Disclosures, # <u>10</u> Exhibit J – Discovery Responses)(Zellner, Kiley)
01/24/2022		NOTICE of Electronic Filing Error re <u>74</u> MOTION for Sanctions MOTION to Dismiss filed by City of Wauwatosa, Nicole Gabriel, Derek Dienhart ; When filing motions which contain multiple parts the filer should select all applicable parts from the motion event list; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (rcm)
02/12/2022	<u>78</u>	RESPONSE to Motion filed by All Plaintiffs re <u>74</u> MOTION for Sanctions MOTION to Dismiss . (Attachments: # <u>1</u> January 11, 2022 Letter to Defense Counsel, # <u>2</u> Defendant Kaine Deposition, # <u>3</u> Email Stream Regarding Declaration, # <u>4</u> Redacted Mortgage Document for Anderson, # <u>5</u> Redacted Bankruptcy Document for

		Anderson)(Bertrand, Joy)
02/25/2022	<u>79</u>	REPLY BRIEF in Support filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re <u>74</u> MOTION for Sanctions MOTION to Dismiss . (Zellner, Kiley)
03/03/2022	<u>80</u>	MOTION in Limine <i>to Preclude All Statements Attributed to Carl Anderson</i> by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 --- First Milwaukee County Circuit Court document, # <u>2</u> Exhibit 2 --- Second Milwaukee County Circuit Court Document, # <u>3</u> Document Examiner Report)(Bertrand, Joy)
03/24/2022	<u>81</u>	RESPONSE to Motion filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re <u>80</u> MOTION in Limine <i>to Preclude All Statements Attributed to Carl Anderson</i> . (Zellner, Kiley)
04/07/2022	<u>82</u>	MOTION in Limine REPLY BRIEF in Support filed by All Plaintiffs re <u>80</u> MOTION in Limine <i>to Preclude All Statements Attributed to Carl Anderson</i> . (Attachments: # <u>1</u> Exhibit 1 --- Lisa Hanson Declaration and Attachments, # <u>2</u> Exhibit 2 --- Defense Responses to Plaintiffs' Document Requests)(Bertrand, Joy) Modified on 4/8/2022 (bx).
04/08/2022		NOTICE of Electronic Filing Error re <u>82</u> MOTION filed by Paulette H Barr, Akil K Carter, Sandra K Adams ; The incorrect event was chosen; The event should reflect the title of the document i.e if the title of the document is Motion, the filer should pick the Motion event; This document does not need to be re-filed. Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (bx)
05/06/2022	<u>83</u>	ORDER signed by Judge J P Stadtmueller on 5/6/2022: DENYING <u>74</u> Defendants' Motion for Sanctions and Dismissal and DENYING <u>80</u> and <u>82</u> Plaintiffs' Motions in Limine. See Order. (cc: all counsel)(jm)
05/26/2022	<u>84</u>	TRIAL SCHEDULING ORDER signed by Judge J.P. Stadtmueller on 5/26/2022. Final Settlement Report due by 8/1/2022; Motions in Limine and Rule 702 Motions due by 8/8/2022; Final/Joint Pretrial Report due by 2:00 PM on 8/10/2022. Final Pretrial Conference set for 8/16/2022 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. Jury Trial set for 8/22/2022 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI before Judge J.P. Stadtmueller. See Order. (cc: all counsel) (ATS)
06/02/2022	<u>85</u>	REQUEST by All Plaintiffs for Referral to Magistrate Judge for Mediation. (Attachments: # <u>1</u> Text of Proposed Order)(Bertrand, Joy)
06/03/2022		TEXT ONLY ORDER by Judge J P Stadtmueller on 6/3/2022. Upon consideration of <u>85</u> Plaintiffs' unopposed request for referral to a magistrate judge for mediation, the Court GRANTS the request. The matter is referred to Magistrate Judge Aaron E Goodstein to schedule and conduct mediation. (cc: all counsel)(jm)
06/08/2022	<u>86</u>	Expedited MOTION to Compel by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Attachments: # <u>1</u> Declaration of Zellner, # <u>2</u> Exhibit A--Emails, # <u>3</u> Exhibit B--Proposed Facts)(Zellner, Kiley)
06/09/2022	<u>87</u>	ORDER REGARDING MEDIATION PROCEEDINGS signed by Magistrate Judge Aaron E Goodstein on 6/9/22. Mediation will be held before Magistrate Judge Aaron E Goodstein via Zoom on 7/7/22 from 10:00 AM until 1:00 PM central time. Court staff will email counsel in advance with the Zoom access information. Mediation statements due via email no later than 6/29/22 at 2:00 PM. See Order for additional information and filing requirements. (cc: all counsel)(kwb)
06/17/2022	<u>88</u>	RESPONSE to Motion filed by All Plaintiffs re <u>86</u> Expedited MOTION to Compel . (Attachments: # <u>1</u> Affidavit of Joy Bertrand, # <u>2</u> Exhibit 1 --- Email Stream May 9 - June 2, 2022)(Bertrand, Joy)
07/07/2022	<u>89</u>	Minutes: Mediation Hearing held before Magistrate Judge Aaron E Goodstein on 7/7/22: Parties unable to resolve the case at this time. Magistrate Judge Goodstein indicated he is available to engage in further discussions with the parties if they wish. Case is returned to the assigned judge for continued case management. (kwb) (Entered: 07/08/2022)

07/11/2022	<u>90</u>	ORDER signed by Judge J P Stadtmueller on 7/11/2022 GRANTING in part <u>86</u> Defendants' Motion for Leave to File Dispositive Motions. The pending dates of <u>84</u> Trial Scheduling Order remain unchanged. Any response to a dispositive motion is due within 14 days after the motion is filed; any reply is due within 5 days after the response is filed. See Order. (cc: all counsel)(jm)
07/19/2022	<u>91</u>	DECLARATION of Derek Dienhart (Zellner, Kiley)
07/19/2022	<u>92</u>	DECLARATION of Luke G. Vetter (Zellner, Kiley)
07/19/2022	<u>93</u>	DECLARATION of Barry Weber (Attachments: # <u>1</u> Exhibit A WPD Probational Officer Training Task #47, # <u>2</u> Exhibit B WPD Policy No. P 17-12, # <u>3</u> Exhibit C WPD Policy No. P16-12 Use of Force, # <u>4</u> Exhibit D Squad Video P241 Kaine Back Seat, # <u>5</u> Exhibit E Squad Video Kaine Front Seat)(Zellner, Kiley)
07/19/2022	<u>94</u>	DECLARATION of Jasmyne M. Baynard (Attachments: # <u>1</u> Exhibit A Dispatch Recording, # <u>2</u> Exhibit B CAD Report, # <u>3</u> Exhibit C Vetter Depo Transcript of 02.23.2021, # <u>4</u> Exhibit D Gabriel Depo Transcript, # <u>5</u> Exhibit E Weber Depo Transcript, # <u>6</u> Exhibit F Vetter Depo Transcript of 09.21.2020, # <u>7</u> Exhibit G Dienhart Squad Dash Cam Video, # <u>8</u> Exhibit H Gabriel Squad Dash Cam Video)(Zellner, Kiley)
07/19/2022	<u>95</u>	MOTION for Summary Judgment by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Zellner, Kiley)
07/19/2022	<u>96</u>	JOINT STATEMENT OF FACT by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber (Zellner, Kiley)
07/19/2022	<u>97</u>	BRIEF in Support filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber re <u>95</u> MOTION for Summary Judgment . (Zellner, Kiley)
07/22/2022	<u>98</u>	DOCUMENT/FLASH DRIVE RECEIVED – to DKT. <u>94</u> Exhibits A, G, H to Declaration of Jasmyne M Banyard, and DKT. <u>93</u> Exhibits D and E to the Declaration of Barry Weber – (NOT AVAILABLE ON PACER; Exhibits contained on flash drive stored in Clerk's file, exhibits electronically stored.) (bx) (Entered: 07/25/2022)
07/25/2022	<u>99</u>	MOTION for Summary Judgment (<i>Partial</i>) (<i>Oral Argument Requested</i>) by All Plaintiffs. (Bertrand, Joy)
07/26/2022	<u>100</u>	AMENDED MOTION for Partial Summary Judgment by All Plaintiffs. (Bertrand, Joy) Modified on 7/26/2022 (bx).
08/01/2022	<u>101</u>	Report from Parties -- Joint Settlement Report . This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)
08/02/2022	<u>102</u>	DECLARATION of Joy Bertrand (Attachments: # <u>1</u> Exhibit 1 -- Appleton Post-Crescent Article, # <u>2</u> Exhibit 2 -- Metropolitan Integration Research Center Study, # <u>3</u> Exhibit 3 -- Statistical Analysis of Race and Ethnicity in Milwaukee County, # <u>4</u> Exhibit 4 -- Statistical Analysis of Race and Ethnicity in the City of Milwaukee, # <u>5</u> Exhibit 5 -- Center for Public Safety Management Report, # <u>6</u> Exhibit 6 -- Defendant Weber Deposition Transcript, # <u>7</u> Exhibit 7 -- Defendant Kaine Deposition Transcript, # <u>8</u> Exhibit 8 -- Defendant Vetter deposition transcript, # <u>9</u> Exhibit 9 -- Vetter 30(b)(6) deposition transcript, # <u>10</u> Exhibit 10 -- Defendant Gabriel deposition transcript)(Bertrand, Joy)
08/02/2022	<u>103</u>	STATEMENT OF FACT by All Plaintiffs (<i>Statement of Disputed Facts</i>). (Bertrand, Joy)
08/02/2022	<u>104</u>	RESPONSE to Motion filed by All Plaintiffs re <u>95</u> MOTION for Summary Judgment with Request for Oral Arguments. (Bertrand, Joy) Modified on 8/3/2022 (rcm). (Entered: 08/03/2022)
08/08/2022	<u>105</u>	Stipulated MOTION in Limine to bar Plaintiff expert Lisa Hanson by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Zellner, Kiley)

08/08/2022	<u>106</u>	MOTION in Limine by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, Luke Vetter, Barry Weber. (Attachments: # <u>1</u> Exhibit A– Email Thread, # <u>2</u> Exhibit B– Plaintiffs' Discovery Responses, # <u>3</u> Exhibit C–Email Thread with Counsel for Plaintiffs, # <u>4</u> Exhibit D–Plaintiffs' Seventh Supplemental Disclosure, # <u>5</u> Exhibit E–Plaintiff's Additional Proposed Facts, # <u>6</u> Exhibit F–Email Thread re Lowe)(Zellner, Kiley)
08/08/2022	<u>107</u>	MOTION to Exclude <i>Brian Landers</i> by All Defendants. (Attachments: # <u>1</u> Exhibit A Landers' Deposition, # <u>2</u> Exhibit B Landers' Supplement)(Baynard, Jasmyne)
08/10/2022	<u>108</u>	ORDER signed by Judge J P Stadtmueller on 8/10/2022. <u>95</u> Defendants' Motion for Summary Judgment is DENIED. <u>100</u> Plaintiffs' Amended Motion for Summary Judgment is DENIED. Defendants John Does 1–3 and Jane Does 1–3 are DISMISSED from this action. James MacGillis to be SUBSTITUTED as a Defendant for Barry Weber. See Order. (cc: all counsel)(jm)
08/10/2022	<u>109</u>	Joint PRETRIAL REPORT by All Plaintiffs. (Attachments: # <u>1</u> Exhibit List, # <u>2</u> Joint Proposed Jury Instructions, # <u>3</u> Plaintiffs' Proposed Jury Instructions, # <u>4</u> Defendants' Proposed Jury Instructions, # <u>5</u> Parties' Joint Proposed Verdict Forms, # <u>6</u> Plaintiffs' Proposed Verdict Forms, # <u>7</u> Defendants Proposed Verdict Forms, # <u>8</u> Plaintiffs' Additional Requested Voir Dire, # <u>9</u> Table of Contents)(Bertrand, Joy)
08/11/2022	<u>110</u>	Exhibit List by All Defendants. (Zellner, Kiley)
08/15/2022	<u>111</u>	RESPONSE to Motion filed by All Plaintiffs re <u>105</u> Stipulated MOTION in Limine <i>to bar Plaintiff expert Lisa Hanson</i> . (Bertrand, Joy)
08/15/2022	<u>112</u>	RESPONSE to Motion filed by All Plaintiffs re <u>107</u> MOTION to Exclude <i>Brian Landers</i> . (Attachments: # <u>1</u> Declaration of Joy Bertrand, # <u>2</u> Brian Landers' CV)(Bertrand, Joy)
08/16/2022	<u>113</u>	Minute Entry for proceedings held before Judge J P Stadtmueller: Final Pretrial Conference held on 8/16/2022. The trial originally scheduled for 8/22/2022 is ADJOURNED pending further submissions from the parties. (Court Reporter Tom Malkiewicz) (cw)
09/02/2022	<u>114</u>	STATUS REPORT <i>by Plaintiffs</i> by All Plaintiffs. (Bertrand, Joy)
10/18/2022	<u>115</u>	TRANSCRIPT of Final Pre–Trial Conference held on 8/16/2022 before Judge J.P. Stadtmueller Court Reporter/Transcriber Thomas Malkiewicz, Contact at 414–290–2642. Transcripts may be purchased using the Transcript Order Form found on our website or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website www.wied.uscourts.gov Redaction Statement due 11/14/2022. Redacted Transcript Deadline set for 11/21/2022. Release of Transcript Restriction set for 1/20/2023. (Malkiewicz, Thomas)
11/09/2022	<u>116</u>	Report from Plaintiffs . (Bertrand, Joy)
12/12/2022	<u>117</u>	AMENDED TRIAL SCHEDULING ORDER signed by Judge J P Stadtmueller on 12/12/2022. Final Settlement Report due by 1/20/2023; Motions in Limine and Rule 702 Motions due by 1/27/2023; Final Joint Pretrial Report due by 2:00 PM on 2/1/2023. Final Pretrial Conference set for 2/7/2023 at 8:30 AM in Courtroom 425, 517 E. Wisconsin Ave., Milwaukee, WI 53202 before Judge J P Stadtmueller. Jury Trial set for 3/13/2023 at 8:30 AM in Courtroom 425, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Judge J P Stadtmueller. (cc: all counsel) (cw)
01/09/2023	<u>118</u>	LETTER from Kiley B. Zellner <i>Request to reschedule Pretrial Conference</i> . (Zellner, Kiley)
01/19/2023	<u>119</u>	RESPONSE filed by All Plaintiffs re <u>118</u> Letter (Bertrand, Joy)
01/20/2023	<u>120</u>	Interim Settlement Report from Kiley B. Zellner . (Zellner, Kiley)
01/20/2023	<u>121</u>	Report from Plaintiffs — Final Settlement Report . This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)

01/23/2023	<u>122</u>	SUPPLEMENT by All Plaintiffs to <u>119</u> January 19, 2023 Response to Defendants' Request to Reschedule Final Pretrial Date. (Bertrand, Joy) Modified on 1/24/2023 (rcm).
01/23/2023	<u>123</u>	Report from Plaintiffs — Corrected Settlement Report (Corrected Caption) . This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)
01/27/2023	<u>124</u>	MOTION for Leave to File <i>Amended [Disputed] Motions in Limine</i> by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, James MacGillis, Luke Vetter. (Attachments: # <u>1</u> Joint Disputed Motions in Limine and Memorandum in Support, # <u>2</u> Certification of Kiley B. Zellner, # <u>3</u> Declaration of Joy Bertrand)(Zellner, Kiley)
01/30/2023		NOTICE of Electronic Filing Error re <u>124</u> MOTION for Leave to File <i>Amended [Disputed] Motions in Limine</i> filed by City of Wauwatosa, Nicole Gabriel, Derek Dienhart, Patrick Kaine, Luke Vetter, James MacGillis ; Certain attachments to this document should have been filed as separate entries – Declarations should always be filed as stand-alone events. This document does not need to be re-filed ; Please refer to the policies and procedures for electronic case filing and the user manual found at www.wied.uscourts.gov (rcm)
02/01/2023	<u>125</u>	Joint MOTION for Leave to File by All Plaintiffs. (Attachments: # <u>1</u> Joint Pretrial Report, # <u>2</u> Pretrial Report Attachments Table of Contents, # <u>3</u> Exhibit List, # <u>4</u> Joint Proposed Jury Instructions, # <u>5</u> Plaintiffs' Proposed Jury Instructions, # <u>6</u> Defense Proposed Jury Instructions and Objections, # <u>7</u> Joint Proposed Verdict Form, # <u>8</u> Plaintiffs' Additional Requested Verdict Forms)(Bertrand, Joy)
02/01/2023	<u>126</u>	Proposed Voir Dire by All Plaintiffs. (Bertrand, Joy)
02/02/2023	<u>127</u>	Expedited MOTION to Strike <i>Plaintiffs' Verdict Forms and Proposed Voir Dire</i> by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, James MacGillis, Luke Vetter. (Zellner, Kiley)
02/02/2023	<u>128</u>	DECLARATION of Kiley B. Zellner (Attachments: # <u>1</u> Exhibit A – Carter e-mail)(Zellner, Kiley)
02/06/2023	<u>129</u>	RESPONSE to Motion filed by All Plaintiffs re <u>127</u> Expedited MOTION to Strike <i>Plaintiffs' Verdict Forms and Proposed Voir Dire</i> . (Bertrand, Joy)
02/06/2023	<u>130</u>	DECLARATION of Joy Bertrand <i>in Opposition to Motion to Strike</i> (Attachments: # <u>1</u> Exhibit 1 — Email stream beginning September 1, 2022, # <u>2</u> Exhibit 2 — Email stream beginning September 30, 2022, # <u>3</u> Exhibit 3 — September 30, 2022 Letter from Plaintiffs' Counsel to Defense, # <u>4</u> Exhibit 4 — November 4, 2022 letter from Plaintiffs' Counsel to Defense Counsel, # <u>5</u> Exhibit 5 — December 8, 2022 Letter from Plaintiffs' Counsel to Defense, # <u>6</u> Exhibit 6 — January 9, 2023 Plaintiff's Counsel letter to Defense, # <u>7</u> Exhibit 7 — Email stream beginning January 28, 2023)(Bertrand, Joy)
02/06/2023	<u>131</u>	Report from Joy Bertrand <i>Supplement to Final Settlement Report</i> . This document and/or certain attachments are restricted to case participants and attorneys of record should use their efilng login and password to view this document (Bertrand, Joy)
02/07/2023		Notice of Hearing: The Final Pretrial Conference originally scheduled for 2/7/2023 is RESCHEDULED to 2/8/2023 at 8:30 AM in Courtroom 425, 517 E Wisconsin Ave., Milwaukee, WI 53202 before Judge J.P. Stadtmueller. (cc: all counsel) (cw)
02/08/2023	<u>132</u>	Minute Entry for proceedings held before Judge J.P. Stadtmueller: Final Pretrial Conference (second) held on 2/8/2023. (Court Reporter Sue Armbruster) (cw)
02/08/2023		TEXT ONLY ORDER signed by Judge J.P. Stadtmueller on 2/8/2023. Consistent with the Court's comments during <u>132</u> the Final Pretrial Conference, Defendants' original <u>106</u> motions in limine are DENIED as moot. The parties' <u>124</u> motion for leave to file amended disputed motions in limine is GRANTED; ECF No. 124–1 shall serve as the operative set of motions in limine in this matter. As noted during the Final Pretrial Conference, upon review of the facts and claims in this case, the Court has preliminarily determined that the expert testimony of Brian Landers and the testimony

		of Barry Weber (or his successor), Dwight Johnson, Sean Lowe, and the University of Wisconsin–Milwaukee Records Custodian will not be necessary at trial. The operative motions in limine will be further addressed at trial. Additionally, the parties' <u>125</u> motion for leave to file an amended Final Pretrial Report is GRANTED; ECF No. 125–1 and its attachments shall serve as the operative Final Pretrial Report in this matter, with the caveat that Defendants' <u>127</u> motion to strike certain filings associated with the amended Final Pretrial Report remains pending. Finally, in light of the parties' agreement, the <u>105</u> motion to bar Plaintiffs expert Lisa Hanson is DENIED as moot. (cc: all counsel) (cw)
02/16/2023	<u>133</u>	TRANSCRIPT of Final Pretrial Conference held on February 8, 2023 before Judge JP Stadtmueller Court Reporter/Transcriber Susan Armbruster, Contact at 414–290–2641. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 3/13/2023. Redacted Transcript Deadline set for 3/23/2023. Release of Transcript Restriction set for 5/22/2023. (Armbruster, Susan)
02/17/2023	<u>134</u>	Expedited MOTION for Reconsideration of <i>February 8, 2023 Rulings, Pursuant to Fed. R. Civ. Pro. 54(b)</i> by All Plaintiffs. (Bertrand, Joy)
02/17/2023	<u>135</u>	DECLARATION of Joy Bertrand <i>in Support of Expedited Motion to Reconsider February 8, 2023 Rulings</i> (Attachments: # <u>1</u> August 25, 2020 Email to John Wolfgang)(Bertrand, Joy)
02/24/2023	<u>136</u>	RESPONSE to Motion filed by All Defendants re <u>134</u> Expedited MOTION for Reconsideration of <i>February 8, 2023 Rulings, Pursuant to Fed. R. Civ. Pro. 54(b)</i> . (Baynard, Jasmyne)
03/01/2023	<u>137</u>	LETTER from Attorney Wirth re additional appearance and NOTICE of Withdrawal of Attorney Kiley Zellner. (Wirth, Joseph) Modified on 3/2/2023 (rcm).
03/01/2023	<u>138</u>	NOTICE of Appearance by Joseph M Wirth on behalf of All Defendants. Attorney(s) appearing: Joseph M Wirth (Wirth, Joseph)
03/02/2023	<u>139</u>	NOTICE of Withdrawal by Jasmyne M Baynard on behalf of City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, James MacGillis, Luke Vetter. Attorney Kiley B. Zellner to be termed. (Baynard, Jasmyne)
03/03/2023	<u>140</u>	ORDER signed by Judge J P Stadtmueller on 3/3/2023 DENYING <u>134</u> Plaintiffs' Motion for Reconsideration. (cc: all counsel)(jm)
03/07/2023	<u>141</u>	OBJECTIONS by All Plaintiffs <i>to the Court's Proposed Forms of Verdict</i> . (Bertrand, Joy)
03/08/2023	<u>142</u>	REDACTED DECLARATION of Timothy Cullen (Baynard, Jasmyne) Modified on 3/9/2023 (bx).
03/08/2023	<u>143</u>	DECLARATION of Timothy Cullen (Baynard, Jasmyne)
03/09/2023	<u>144</u>	MOTION for Witness to Appear via Videoconferencing by All Plaintiffs. (Attachments: # <u>1</u> Covid Test Results, # <u>2</u> Text of Proposed Order)(Bertrand, Joy)
03/12/2023	<u>145</u>	AFFIDAVIT of Les B. Johns . (Attachments: # <u>1</u> Affidavits of service for Luke Vetter, Derek Dienhart, Nicole Gabriel, and Dwight Johnson, # <u>2</u> Email correspondence regarding subpoena service on Defendants)(Bertrand, Joy)
03/12/2023	<u>146</u>	Supplemental Request for Jury Instructions by All Plaintiffs. (Bertrand, Joy) Modified on 3/13/2023 (bx).
03/12/2023	<u>147</u>	OBJECTIONS by All Plaintiffs <i>to the Court's Draft Jury Instructions</i> . (Bertrand, Joy)
03/13/2023	<u>148</u>	<i>Service of Subpoena</i> AFFIDAVIT of Les Johns <i>for Barry Weber and Carl Anderson</i> . (Bertrand, Joy)
03/13/2023	<u>149</u>	Minute Entry for proceedings held before Judge J P Stadtmueller: Jury Trial begun on 3/13/2023 (Court Reporter Sue Armbruster) (vkb) (Entered: 03/15/2023)

03/14/2023	<u>150</u>	Minute Entry for proceedings held before Judge J P Stadtmueller: Jury Trial completed on 3/14/2023 (Court Reporter Sue Armbruster) (vkb) (Entered: 03/15/2023)
03/14/2023	<u>151</u>	Jury Instructions. (jm) (Entered: 03/16/2023)
03/14/2023	<u>152</u>	SPECIAL VERDICT in favor of Defendant. (jm) (Entered: 03/16/2023)
03/22/2023	<u>153</u>	TRANSCRIPT of Jury Trial (Excerpt) held on March 13, 2023 before Judge JP Stadtmueller Court Reporter/Transcriber Susan Armbruster, Contact at 414-290-2641. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 4/17/2023. Redacted Transcript Deadline set for 4/27/2023. Release of Transcript Restriction set for 6/23/2023. (Armbruster, Susan)
03/22/2023	<u>154</u>	TRANSCRIPT of Jury Trial – Excerpt 1 held on March 14, 2023 before Judge JP Stadtmueller Court Reporter/Transcriber Susan Armbruster, Contact at 414-290-2641. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 4/17/2023. Redacted Transcript Deadline set for 4/27/2023. Release of Transcript Restriction set for 6/23/2023. (Armbruster, Susan)
03/22/2023	<u>155</u>	TRANSCRIPT of Jury Trial – Excerpt 2 held on March 14, 2023 before Judge JP Stadtmueller Court Reporter/Transcriber Susan Armbruster, Contact at 414-290-2641. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 4/17/2023. Redacted Transcript Deadline set for 4/27/2023. Release of Transcript Restriction set for 6/23/2023. (Armbruster, Susan)
03/22/2023	<u>156</u>	TRANSCRIPT of Jury Trial – Excerpt 3 held on March 14, 2023 before Judge JP Stadtmueller Court Reporter/Transcriber Susan Armbruster, Contact at 414-290-2641. Transcripts may be purchased using the Transcript Order Form found <u>on our website</u> or viewed at the court public terminal. NOTICE RE REDACTION OF TRANSCRIPTS: If necessary, within 7 business days each party shall inform the Court of their intent to redact personal identifiers by filing a Notice of Intent to Redact. Please read the policy located on our website <u>www.wied.uscourts.gov</u> Redaction Statement due 4/17/2023. Redacted Transcript Deadline set for 4/27/2023. Release of Transcript Restriction set for 6/23/2023. (Armbruster, Susan)
03/23/2023	<u>157</u>	Exhibit List by All Plaintiffs. (cmb)
03/23/2023		EXHIBITS received for All Plaintiffs Exhibit list filed. Flash drive as well. (cmb)
03/30/2023	<u>158</u>	MOTION to Supplement <i>the Record</i> by All Plaintiffs. (Bertrand, Joy)
03/30/2023	<u>159</u>	DECLARATION of Joy Bertrand in Support of Motion to Supplement the Record (Bertrand, Joy)
04/03/2023	<u>160</u>	BILL OF COSTS Proposed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, James MacGillis, Luke Vetter (Attachments: # <u>1</u> Itemization in Support of Bill of Costs, # <u>2</u> Exhibits to Itemization of Bill of Costs)(Baynard, Jasmyne)
04/17/2023	<u>161</u>	OBJECTIONS by All Plaintiffs <i>to the Defense's Bill of Costs</i> . (Bertrand, Joy)
04/18/2023	<u>162</u>	BRIEFING LETTER Electronically Transmitted to Parties re <u>160</u> Bill of Costs, <u>161</u> Objections. Response due 4/25/2023, and Reply due 5/2/2023. (cc: all counsel) (rcm)
04/25/2023	<u>163</u>	REPLY filed by City of Wauwatosa, Derek Dienhart, Nicole Gabriel, Patrick Kaine, James MacGillis, Luke Vetter . (Baynard, Jasmyne)

05/02/2023	<u>164</u>	REPLY filed by All Plaintiffs re <u>161</u> Objections . (Bertrand, Joy)
05/04/2023	<u>165</u>	ORDER signed by Judge J P Stadtmueller on 5/4/2023. The following claims of Plaintiffs' Complaint are DISMISSED: Count 1 (insofar as it may have been construed as a Fourth Amendment claim of unreasonable investigation, excessive force, and/or failure to intervene); Count 2 (Monell); Count 3 (negligence); Counts 4–6 (Wisconsin constitutional claims); Count 7 (negligent infliction of emotional distress); Count 8 (negligent hiring, training, and promotion); Count 9 (false imprisonment); and Count 10 (intentional infliction of emotional distress). Plaintiff's requests for declaratory, injunctive, or other equitable relief are DISMISSED. Defendants City of Wauwatosa, James MacGillis, Luke Vetter, Nicole Gabriel, and Derek Dienhart are DISMISSED from this action. Action is DISMISSED on the merits, together with Defendants' costs as may be taxed by the Clerk of Court. See Order. (cc: all counsel)(jm)
05/04/2023	<u>166</u>	JUDGMENT signed by Deputy Clerk and approved as to form by Judge J P Stadtmueller on 5/4/2023. Action is DISMISSED on the merits, together with Defendants' costs as may be taxed by the Clerk of Court. (cc: all counsel)(jm)
05/04/2023		Case Terminated per <u>165</u> . (rcm) (Entered: 05/05/2023)
05/24/2023	<u>167</u>	COSTS TAXED for Defendant Patrick Kaine and against Plaintiffs in amount of \$7,859.09 NOTICE: Pursuant to Civil L. R. 54(c) – A party may move for review of the Clerk of Court's decision taxing costs pursuant to Fed. R. Civ. P. 54(d) within 7 days from taxation. The motion, supporting papers, and scheduling must conform to Civil L. R. 7. (cc: all counsel) (vkb)
06/02/2023	<u>168</u>	NOTICE OF APPEAL as to <u>166</u> Judgment, <u>165</u> Order Dismissing Case,,, Terminate Party,,, by All Plaintiffs. Filing Fee PAID \$505, receipt number AWIEDC–4415002 (cc: all counsel) (Bertrand, Joy)